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21 ORACLE AMERICA, INC.

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.,
25 Plaintiff,
26 v.
27 GOOGLE INC.,
28 Defendant.

Case No. CV 10-03561 WHA

**ADMIN. MOT. TO FILE UNDER SEAL
RE ORACLE'S RESPONSE TO ECF NO.
1598**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

Plaintiff Oracle America, Inc. (“Oracle”) hereby moves to file portions of Oracle’s Response to ECF No. 1598 (“Response”) under seal pursuant to Civil Local Rules 7-11 and 79-5.

The Order Approving Stipulated Protective Order Subject to Stated Conditions entered in this case, ECF No. 68, states that when material has been designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY,” a party may not file it in the public record, but must seek to file it under seal pursuant to Civil Local Rule 79-5. Stipulated Protective Order § 14.4, ECF No. 66.

Google Inc. (“Google”) has designated certain materials discussed in Oracle’s Response as “CONFIDENTIAL” and “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” pursuant to the Protective Order. Therefore, Oracle moves to seal the following portions of its Response that have been so-designated by Google pursuant to the Protective Order:

Page/Line Number	Text to be Sealed
p. 5, lines 11-12	Text within the parenthetical after the citation to Astrachan Depo.
p. 6, lines 9-11	Text within the parenthetical after the citation to Rubin 4/5/11 Depo.
p. 6, lines 22-24	Text within the parenthetical after the citation to Rubin 4/5/11 Depo.
p. 7, lines 13-14	Text within the parenthetical citations reflecting the identity of the presentation recipients
p. 7, lines 15-16	Text within quotations after “it.”
p. 7, line 22	Text within the citation parentheticals
p. 8, lines 22-24	Text after the word “market” on line 22
p. 10, lines 3-4	Text after “ <i>Id.</i> ” on line 4

In addition, Oracle moves to seal two recent revenue figures cited in Oracle’s Response at page 6, lines 4-5. Oracle’s requested order is narrowly tailored to reach only a very limited amount of commercially sensitive information. As set forth in the Declaration of Andrew Temkin, the limited information Oracle seeks to seal is competitively sensitive information that Oracle maintains in confidence. Oracle respectfully submits that the risk of competitive injury to Oracle constitutes a compelling reason to grant Oracle the narrowly tailored relief requested. *See, e.g., Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1181 (9th Cir. 2006) (setting

1 standard); *Finjan, Inc. v. Proofpoint, Inc.*, 2016 U.S. Dist. LEXIS 15825, at *5 (N.D. Cal. Feb. 9,
2 2016) (granting motion to seal confidential revenue data) (citing *inter alia* *Nixon v. Warner*
3 *Communications, Inc.*, 435 U.S. 589, 598, 98 S. Ct. 1306, 55 L. Ed. 2d 570 (1978) (holding
4 access to court records has been denied when it includes “sources of business information that
5 might harm a litigant's competitive standing.”).

6 Dated: April 11, 2016

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